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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,053	08/11/2000	Cynthia Calonge	22554.2	7195

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COX & SMITH INCORPORATED
SUITE 1800
112 EAST PECAN STREET
SAN ANTONIO, TX 782051536

EXAMINER
NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

ART UNIT	PAPER

16

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Commissioner for Patents

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3625

PTO-90C (Rev.04-03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

1. This Office Action is the answer to the communication received on

2/19/2004 (the RCE & extension of time).

Status of the Claims

2. Claim **1** is pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Giovannoli

(US Pat. 5,758,328).

Giovannoli teaches a method for establishing and brokering a transaction

between purchasers and vendors over a wide area network (see Giovannoli,

Fig.1);

Giovannoli teaches of providing a database of vendor information to a

buyer for review, Giovannoli discloses "For this reason existing centralized *database*

systems are created and maintained by the one or a few vendors whose goods and prices

are displayed. These systems necessarily restrict a buyer's choice of vendors." This means

a list of vendors is selected for claimed transaction.

- description of the goods and services required by a purchaser (see

Giovannoli, the abstract)

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Giovannoli discloses a step of "comparing required goods/services of a buyer to those of a sellers database) this is similar to "request for proposal" (from vendors); "In the preferred embodiment the vendor class of network members are filtered to be selected based on their likelihood to respond to the request for quotation. Alternatively, or in addition, the vendor responses may likewise be filtered to satisfy conditions of the vendors responding or in accordance with predefined conditions for facilitating a linkage between the prospective buyer and an acceptable seller."

Giovannoli discloses a request for quote (from vendors) this is similar to "request for proposal" (from vendors); and ""12. A method of purchasing goods or services over a data network comprising the steps of: communicating, over said data network, to a filter means, at least one request for a quotation from a potential buyer of said goods or services; filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services; and obtaining, from at least one of said potential sellers, over a data network, quotes to supply said goods or services, and forwarding said quotes to said potential buyer, wherein at least part of the quote information is stored at a location remote from said filter means."
And "15. The method of claim 12 wherein said step of obtaining comprises the step of each seller contacting said

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filter means at predetermined intervals and supplying bids in response to any requests for proposal that have arrived at said filtering means and that were determined, by the filter means, to be a request for proposal for goods or services which said each seller is potentially capable of supplying.".

And Giovannoli teaches about "identifying vendors in a database offering goods and services similar to a buyer's requirement in claim 17 of his patent.

"17. A method of matching buyers of goods and services with sellers of goods and services over a data network comprising the steps of; communicating, from buyers to a filter means, requests for quotes (RFQs); filtering said RFQs so that only sellers meeting a first set of filter conditions receive said RFQs; transmitting, to remotely located seller databases, the filtered RFQs; accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions are sent to a buyer requesting said quotes."

Giovannoli also teaches about "comparing said description of the goods and services required by said at least one potential purchaser in said RFP information with said descriptions of the goods and services offered by said plurality of vendors in said vendor database, said comparing step carried out by computer" similar to a buyer's requirement in claim 4 of his patent.

"4. A computerized system for engaging in transactions over a data network, said computerized system comprising: plurality of terminals, at least one of which being designated a requestor and others of which are designated vendor terminals; filter and broadcast means for receiving, over said data network, requests from said requestor to engage in transactions with unspecified vendor terminals, and for filtering said requests to determine with which vendor terminals said requests should be matched; and means for matching said requests with vendor terminals which

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meet predetermined filter conditions for generating quotes from information contained in a database associated with said vendor terminals, and for accepting said quotes from said vendor terminals, wherein the central database contains information that is insufficient to consummate the transaction."

The next claimed step is an automatically identifying vendors, Giovannoli teaches that using computer filtering to identifying vendors (see claim 4).

The next claimed step is "generating a sub-list of vendors who are identified", Giovannoli teaches that using computer filtering to identifying vendors (see **Giovannoli**, claims 4, 13 "13. The method of claim 12 further comprising the step of accepting filtering conditions from said potential buyer, and utilizing said filtering conditions in said step of filtering to determine a subset of potentially capable sellers.")and generating it via displaying.

It is inherent that selecting a vendor from above step by a buyer because this is a reason why there is a filtering step from Giovannoli's patent "In the preferred embodiment the vendor class of network members are filtered to be selected based on their likelihood to respond to the request for quotation. Alternatively, or in addition, the vendor responses may likewise be filtered to satisfy conditions of the vendors responding or in accordance with predefined conditions for facilitating a linkage between the prospective buyer and an acceptable seller.".

It is inherent that there is a bi-directional communication between selected potential vendors and a buyer after filtering/matching them with buyer's request (see Giovannoli, claim 17 "accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions

are sent to a buyer requesting said quotes.")(this teaches a step of "communicating an acceptance or a rejection from a buyer to a selected potential vendor" because this is a purpose of that patent.

Giovannoli teaches a method for establishing and initiating a transaction between purchasers and vendors over a wide area computer network, comprising:

- providing a vendor database, said database comprising information on vendors, said information comprising a description of the goods and services offered by said vendors (see Giovannoli, 4:40-45);

- providing a request for proposal to a purchaser over said network (see Giovannoli, the abstract and Figs.1, 4);

- receiving said request for proposal from a purchaser, said proposal comprising a description of the goods and services required by said purchaser (see Giovannoli, the abstract and Figs.1, 4);

- comparing said proposal's info. with said info. in a vendor database then identifying vendors in said vendor's database offering goods and services that are similar to said goods and services required by said purchaser (see Giovannoli, claim 4 and Fig.6);

- communicating said proposal's info. to identified vendors (see Giovannoli, the abstract and Figs.1, 4);

- communicating a response from identified vendors to said purchaser, said response comprising a proposal to provide goods and services to said purchaser (see Giovannoli, the abstract);

Conclusion

4.   The attached prior art are pertinent to claimed subject matter of this pending application:

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose number is 703-305-4553. The examiner can normally be reached on 7am-330 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. SMITH can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CHN/
Cuonghnguyen

CUONG H. NGUYEN
Primary Examiner
Art Unit 3625